IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 24000 of 2001

Between:

1. Chitti Sanyasi Demudu, S/o Late. Demudu, R/o D.No.31-25-56, Kurmannapalem village, Vadlapudi (PO), Visakhapatnam-46.

2. Lavu Sri Krishna Rao, S/o Satyanarayana, R/o D.No.31-25-56, Kurmannapalem village, Vadlapudi (PO), Visakhapatnam-46.

3. Lavu Ramaseshagiri Rao, S/o Satyanarayana, R/o D.No.31-25-56, Kurmannapalem village, Vadlapudi (PO), Visakhapatnam-46.

4. Lavu Amaravathi, W/o Late Venkata Rama Rao, R/o D.No.31-25-56, Kurmannapalem village, Vadlapudi (PO), Visakhapatnam-46.

..... PETITIONERS

AND

The Special Officer (District Collector/ Land Acquisition Officer), Steel Plant Land Acquisition, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction on the part of the respondent in not considering and disposing of the representation dated 15-3-2001 submitted to the respondent for re-conveying their land in Survey No.7/4 measuring Ac.1.24 cents of Kurmannapalem village, Visakhapatnam District till today as illegal, arbitrary, capricious and violative of principles of natual justie and also violative of Articles 14, 21 and 300-A of the Constitution of India and consequently to direct the respondent to consider our representation dated 15-3-2001 within the time fixed by this Hon’ble

Court positively.

Counsel for the Petitioners: Smt.N.(P).Anjana Devi

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The four petitioners claim that they are the joint owners of land admeasuring Acs.1.24 in Survey No.7/4 of Kurmannapalem village, Visakhapatnam District. The land was acquired for public purpose, namely, for Visakhapatnam Steel Plant for providing railway contract. The petitioners allege that as the land was not utilised for the purpose for which it was required, the authorities reconveyed the land to some of the persons and the land was later handed over to A.P.Industrial Infrastructure Corporation, who did not utilise the land. Therefore, the petitioners made representations on 15.03.2001 and 23.03.2001 to the respondents requesting to reconvey the land to them, in vain. Therefore, they filed the present writ petition seeking a direction to the respondents to dispose of the representations made by them.

The petitioners are seeking re-conveyance of the land acquired for which compensation was already paid. A person whose land is acquired has no enforceable right to seek reconveyance. This principle is well-settled. Having regard to the provisions of Section 23, 23(1)(A) and 30 of the Land Acquisition Act, 1894 (for short, the Act), the Hon'ble Supreme Court in **State of Kerala v. Bhaskaran Pillai** held that no land owner is entitled for reconveyance after acquisition. In **Koppula Narasaiah v. Government of Andhra Pradesh,** I have considered this and having regard to the law laid down by the Supreme Court in **State of Kerala v. Bhaskaran Pillai** (supra), **C.Padma v. Deputy Secretary to Government of Tamil Nadu, State of Punjab v. Sadhu Ram,** and **Chandragauda Ramagonda Patil v. State of Maharashtra**, I have summarised the principles as under:

a. The land acquired under the provisions of the Act for one public purpose, after putting it to the said public purpose partly or fully, if surplus land remains, can be utilized either partly or fully for any other public purpose;

b. When the land absolutely vests free from encumbrances, the same shall be treated as Government land subject to all legislations, rules and executive instructions touching upon the assignment of land for other purpose and for landless poor;

c. The owners of the land whose land is acquired have no right, legal entitlement or legitimate expectation in seeking reconveyance of the land at the price at which compensation was paid under the award under Section 11 of the Act;

d. If the Government, as a policy decides that the land acquired is not partly or fully utilized for the public purpose for which it was acquired, is no more required for any public purpose, either because it is not suitable or because it has become waste land, the Government is bound to deal the property like any other Government property and dispose of the same in the manner which sub-serves public interest. The sale of Government land by public auction or by calling for tenders and disposing of the same to the highest bidder is the most transparent and best method of sub-serving public interest;

e. The power of the Government to dispose of the surplus land acquired by public auction also enables to permit original land owners to participate in the public auction and offer appropriate highest bid;

f. In any event, any claim by the original land owners or their legal heirs for reconveying cannot be entertained after a long lapse of time, say 10 years, 20 years or 30 years;

g. If the Government decides to assign the surplus acquired land to landless poor persons as a measure of poverty amelioration, the method of public auction need not be adopted.

In the recent judgment of the Supreme Court in **Northern Indian Glass Industries v. Jaswant Singh** after referring to **Gulam Mustafa v. State of Maharashtra**, **Chandragauda Ramgonda Patil v. State of Maharashtra** (supra) and **C.Padma v. Dy.Secy. to the Government of Tamil Nadu** (supra), the Supreme Court declared the law as under:

If the land was not used for the purpose for which it was acquired, it was open to the State Government to take action but that did not confer any right on the respondents to ask for restitution of the land.

In view of the legal position, the Writ Petition is misconceived and is accordingly dismissed.

(V.V.S.RAO,J)

08.11.2004.

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To

1. The Special Officer, (District Collector/Land Acquisition Officer), Steel Plant Land Acquisition, Visakhapatnam.

2. 2 CCs to the G.P. for Land Acquisition, High Court Buildings, Hyderabad d(OUT).

3. 2 CD copies.